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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/719,317

11/21/2003

Sumita Rao

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EXAMINER

WIENER, ERIC A

ART UNIT

PAPER NUMBER

2179

MAIL DATE

DELIVERY MODE

05/05/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/719,317	Applicant(s) RAO, SUMITA	
	Examiner Eric Wiener	Art Unit 2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/9/2009 has been entered.

2. Claim 30 is pending. Claims 1 – 29 have been cancelled. Claim 30 is the independent claim. Claim 30 is the amended claim. Claim 30 has been rejected by the Examiner.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Noesgaard et al. (US 7,113,809 B2) in view of Haller et al. (US 6,909,878 B2) and further in view of Giacalone, Jr. (US 7,228,341 B2).

As per independent claim 30, Noesgaard discloses *a method for arranging and playing a media presentation* (Abstract), comprising:

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- *receiving a selection of a plurality of media objects to be included in a media presentation (column 2, lines 23 – 52 column 6, lines 42 – 50);*
- *receiving configuration instructions for ordering the plurality of media objects in the media presentation (column 6, lines 42 – 50);*
- *providing a wireless communication device with an association list that identifies a trigger event to be associated with a media package (column 5, lines 16 – 23).*

It has been interpreted that the providing of predetermined information corresponding to media objects in different manners sufficiently corresponds to providing an ordered sequence of media objects associated with an association list that identifies a trigger event.

Noesgaard does not explicitly disclose generating a media package comprising the selected media objects in said order and transmitting the media package to a wireless communication device.

Nevertheless, in an analogous art, Haller discloses:

- *generating a media package comprising the selected media objects in said order (column 8, lines 3 - 8) and*
- *transmitting the media package to a wireless communication device (column 3, lines 28 – 30, column 7, lines 65 – column 8, line 8; column 8, lines 40 – 54; and column 13, lines 16 – 20).*

Both Noesgaard and Haller pertain to the analogous art of providing arrangements of multimedia files such as screen savers to mobile phones (Noesgaard, Abstract and Haller,

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column 2, lines 29 – 53). Therefore, one would look to the other for possible improvements upon their inventions. Furthermore, Haller discloses that, regarding such multimedia arrangements like that of Noesgaard, a user may be interested in having all or some of the multimedia arranged through such means as related themes that may be changed without user intervention (Haller, column 2, lines 17 – 25). Therefore, because it is desirable that such multimedia arrangements be communicated without a request from a user, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Haller with the invention of Noesgaard.

Even though Noesgard discloses identifying a trigger event to be associated with the media package (Noesgard; column 5, lines 16 – 23) and Haller discloses transmitting a media package to a wireless communication device (Haller; column 3, lines 28 – 30, column 7, lines 65 – column 8, line 8; column 8, lines 40 – 54; and column 13, lines 16 – 20), Noesgard and Haller do not explicitly disclose that a trigger event is included in an association list and that an association list is transmitted to a wireless communication device along with a media package.

Nevertheless, in an analogous art, Giacalone, Jr. discloses:

- *receiving configuration instructions for ordering a plurality of media objects in the media presentation and generating a media package comprising selected media objects in an order* (column 10, line 57 – column 11, line 27);
- *identifying a trigger event to be associated with the media package, wherein said trigger event is included in an association list* (column 2, lines 10 – 53); and

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- *transmitting the media package and said association list to a wireless communication device* (column 1, lines 24 – 30 and column 2, lines 3 – 9 and 54 – 62).

Noesgaard, Haller, and Giacalone, Jr. all pertain to the analogous art of providing arrangements of multimedia files to devices such as wireless communication devices (Noesgaard, Abstract; Haller, column 2, lines 29 – 53; and Giacalone, Jr., column 1, lines 49 – 52). Therefore, one would look to the others for possible improvements or modifications to their inventions. Furthermore, Giacalone, Jr. discloses that there is a known desire for the improvement of scheduling abilities relating to the providing of association lists pertaining to scheduling and triggering of presentations of media, because current scheduling abilities require considerably costly and time consuming overhead to distribute to devices (Giacalone, Jr., column 1, lines 49 – 67). Therefore, it would be desirable for Noesgaard and Haller to incorporate teachings of Giacalone, Jr. to lessen such possible overhead relating to scheduling and distribution of media in their analogous systems, and thus it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Noesgaard, Haller, and Giacalone, Jr..

Response to Arguments

5. Applicant's arguments filed on 3/9/2009 have been fully considered, but are moot in view of new grounds of rejection necessitated by amendment.

Conclusion

6. It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

7. *The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure. The cited documents represent the general state of the art.*

Cited art of particular note includes, but is not limited to:

- ***Kirby et al. (US 2004/0165006 A1)***
- ***Lowe (US 7,123,696 B2)***
- ***Merrill et al. (US 2004/0002943 A1)***
- ***Freeman et al. (US 5,861,881)***
- ***Hempleman et al. (US 6,243,725 B1)***
- ***Irvin (US 6,360,101 B1)***
- ***Wells et al. (US 5,870,683)***
- ***Makipaa et al. (US 2003/0169306 A1)***
- ***Farber et al. (US 5,819,284)***
- ***Knepper (US 6,763,272 B2)***

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- ***Loughran (US 7,231,198 B2)***
- ***King et al. (US 2002/0055992 A1)***
- ***Fukuda (US 6,810,115 B2)***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric A. Wiener whose telephone number is 571-270-1401. The examiner can normally be reached on Monday through Thursday from 9am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo, can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Eric Wiener/
Examiner, Art Unit 2179

/Ba Huynh/
Primary Examiner, Art Unit 2179